

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-44-04

WHEREAS, BCG PARTNERS L.L.C. applied to Community Zoning Appeals Board

14 for the following:

AU to EU-M

SUBJECT PROPERTY: The west ½ of the NW ¼ of the SE ¼ of Section 11, Township 57 South, Range 38 East; **LESS AND EXCEPT:** Commence at the Northwest corner of the SE ¼ of said Section 11, said point being also the center of said Section 11; thence run along the north line of the SE ¼ of said Section 11, N89°21'12"E (bearings derived from the Florida State System of Plane Coordinates) for 483.29' to the Point of beginning of the herein described parcel of land; thence continued along said north line, N89°21'12"E for 180' to a Point of intersection with the east line of the west ½ of the NW ¼ of the SE ¼ of said Section 11; thence run along said east line S0°43'8"E for 257.57' to a point; thence run N88°39'12"W for 180.14' to a point; thence run N0°42'52"W for 251.3' to the Point of beginning.

LOCATION: The Southeast corner of S.W. 192 Avenue & theoretical S.W. 304 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-M would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB14-17-04, and

WHEREAS, BCG PARTNERS L.L.C. appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU to EU-M

SUBJECT PROPERTY: The west ½ of the NW ¼ of the SE ¼ of Section 11, Township 57 South, Range 38 East; LESS AND EXCEPT: Commence at the Northwest corner of the SE ¼ of said Section 11, said point being also the center of said Section 11; thence run along the north line of the SE ¼ of said Section 11, N89°21'12"E (bearings derived from the Florida State System of Plane Coordinates) for 483.29' to the Point of beginning of the herein described parcel of land; thence continued along said north line, N89°21'12"E for 180' to a Point of intersection with the east line of the west ½ of the NW ¼ of the SE ¼ of said Section 11; thence run along said east line S0°43'8"E for 257.57' to a point; thence run N88°39'12"W for 180.14' to a point; thence run N0°42'52"W for 251.3' to the Point of beginning.

LOCATION: The Southeast corner of S.W. 192 Avenue & theoretical S.W. 304 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanes, Architects Planners entitled, Garden Village, BCG Partners, LLC, Miami-Dade County, Florida, dated the 20th day of October, 2003, signed and sealed April 12, 2004, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
2. Landscaping. That all landscaping trees and other plants shall comply with the Code of Miami-Dade County and shall be limited to those defined as Native Plant Species under Chapter 18A , Miami-Dade County Landscaping Ordinance.
3. Temporary Perimeter Fence and Privacy Fence. That the owner shall erect a temporary chain-link perimeter fence around the Property prior to any development and/or site work on the Property, and said fence shall remain until the commencement of construction of the first house. With the written consent of the owner of the property located at 19100 S.W. 304 Street, Miami-Dade County, Owner shall also construct, within the boundary lines of said property and at no cost to the owner of said property, a six (6) foot high wood fence along the east, south and west boundary line of said property (up to the gate located on the west boundary line).
4. Lots Abutting S.W. 192 Avenue; House Models. That all lots abutting S.W. 192 Avenue (except Lot 17) shall legally front on S.W. 191 Court, as reflected in the Site Plan. Owner shall provide a four (4) foot chain-link fence along the rear boundary line of said lots (and side boundary line of lot 17) with six (6) foot concrete piers every 20 to 30 feet, and, an Orange Jasmine hedge along the length of said chain-link fence. House models are reflected in the Site Plans for informational purposes

only and are subject to change, at Owner's sole discretion, based on market conditions.

- (5) **Waiver of Sidewalks.** Prior to the approval of a final plat for any portion of the Property, the Owner shall file an application for a non-use variance for a waiver of the requirement to install sidewalks along SW 304th Street, SW 306th Street, SW 194th Avenue, theoretical SW 194th Court and theoretical SW 95th Avenue in connection with the development of the Property. Subject to the approval of said request, said sidewalks shall not be included as part of the subdivision improvements for the Property. In the event that said request is denied, the Owner shall install sidewalks within the Property in accordance with the platting and subdivision requirements of the Public Works Department.
- (6) **Waiver of Requirement for Street Lighting.** Prior to the approval of a final plat for any portion of the Property, pursuant to Sec. 28-19 of the Miami-Dade County Code, the Owner shall file an application for a non-use variance for a waiver of the requirement for the installation of street lights in connection with the development of the Property. Subject to the approval of said request, street lights shall not be included as part of the subdivision improvements for the Property. In the event that said request is denied, the Owner shall install street lights within the Property in accordance with the platting and subdivision requirements of the Public Works Department. That all utilities within the Property shall be underground.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 14 in Resolution No.CZAB14-17-04 were sufficient to merit a reversal of the decision, and the appeal should be granted, and the decision of Community Zoning Appeals Board 14 should be overruled, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal, overrule the decision of Community Zoning Appeals Board 14, and accept the proffered Declaration of Restrictions was offered by

Commissioner Natacha Seijas, seconded by Commissioner Sen. Javier D. Souto, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Dr. Barbara M. Carey-Shuler	aye
Sally A. Heyman	aye	Katy Sorenson	nay
Barbara J. Jordan	aye	Rebecca Sosa	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez aye


NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted, and the decision of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-17-04 is hereby null and void.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 16th day of December, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-3-CZ14-3
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By  **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 27TH DAY OF DECEMBER, 2004.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

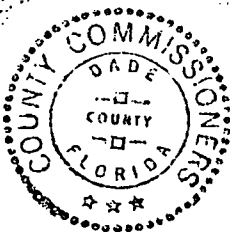
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-44-04 adopted by said Board of County Commissioners at its meeting held on the 16th day of December, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 27th day of December, 2004.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY, FLORIDA



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

□ 111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175

□ IMPACT FEE SECTION
(786) 315-2670 • SUITE 145

□ ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223

□ ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106

□ ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

December 28, 2004

BCG Partners LLC
c/o Simon Ferro
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Re: Hearing No. **04-3-CZ14-3**
Location: The Southeast corner of S.W. 192 Avenue
& theoretical S.W. 304 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-44-04, adopted by the Board of County Commissioners, which granted your appeal and reversed the decision of Community Zoning Appeals Board 14 on the above-described property. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **December 27, 2004**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure